

Dan Hoyt // EPA questions — Public Health Watch

Initial bio questions:

- 1) How long have you been at EPA and/or doing environmental work?
- 2) What is your job title?
- 3) How many facility inspections have you been on during your career?
- 4) What types of things do you specialize at EPA? What kind of expertise is required for this?
- 5) Do you specialize in a particular type of inspection/at particular types of facilities? What kind of expertise is required for this?
- 6) How many inspections at tank farms/terminals have you conducted during your career?

Pre-investigation questions:

- 1) How did the ITC Deer Park first get on your radar? Were you aware of potential issues at the facility prior to joining Region 6? If so, how long had you been aware of these issues?
- 2) In the inspection report, you noted that the inspection was prompted by your analysis of stationary monitoring data, which indicated significant air emissions sources of benzene. What does significant mean there? Just how high were the readings you were seeing? And who owned the stationary monitors providing the data — EPA, the TCEQ, the City of Houston, etc.?
- 3) What was your working relationship with TCEQ at the time? Was there someone at the agency that you could call if you were concerned about stationary monitor readings or a specific facility? In other words, were you working with TCEQ as partners or did the two agencies operate more independently with limited communication?
- 4) What was the assigned objective/the stated goal of the inspection?
- 5) Did you loop in the TCEQ before this inspection? Were you aware of whether or not the TCEQ had previously been out to inspect the ITC Deer Park facility or its surrounding areas to investigate similar concerns? If so, did you review their previous monitoring data (both stationary and mobile) or speak with someone from the agency about any data they'd gathered there over the years? If not, why?
- 6) How long had you been at Region 6 when you took this inspection on?
- 7) How do you prepare for this type of inspection? Do you take any special equipment with you?
- 8) Did you have a particular part of the facility that you were most concerned about before going out there for the inspection? Did the wind patterns or monitor readings help give you an advanced idea of potential problem areas at the facility?
- 9) Were you aware of physical problems or malformations with specific tanks prior to the investigation? And if so, what reports or documents did you review to glean that information?

Investigation questions:

- 1) You were the project coordinator on this inspection. What are the responsibilities of a project coordinator? What specific responsibilities were involved for this project? What was your strategy for executing this inspection?
- 2) What are some of the challenges of inspecting a facility like ITC Deer Park, with so many tanks, so many different potential emission points, and so many different chemicals on the premise?
- 3) Had you inspected a tank farm/terminals facility prior to leading this inspection?
- 4) What else did you do on the inspection other than coordinate? Did you take videos yourself? Did you identify potential emissions points?

- 5) The inspection report says that you and the other inspectors onsite took a large number of FLIR camera videos of emissions. In total, you selected 98 tanks to survey. How did you identify which tanks to observe/record with the FLIR cameras? Why were they on your radar?
- 6) Your inspection report pinpointed emissions from a number of tanks, many of which were damaged and in need of repairs at the time. Those tanks included: 80-2, 80-7, 80-9, 80-12, 80-15, 80-20, and 80-25. What stood out to most about those tanks and their emissions? Is it atypical to single out one cluster of tanks, as you did, in a facility that houses more than 200 tanks on its premises?
- 7) Follow-up: What about these emissions warranted your listing them under the report's "Areas of Concerns," including your pointing out that they could indicate a violation of the tanks' permits?
- 8) Follow-up: Did the fuels and chemicals stored inside of the tanks identified in your "Areas of Concern" play a role in your listing them in the inspection report or inspecting them in the first place?
- 9) Did you review all of the FLIR videos captured during this inspection? What stood out to you most about the videos your team gathered?
- 10) How did the issues you observed at ITC Deer Park stack up against other facilities you've inspected over the years?
- 11) How would you describe the benzene emissions that you observed and measured at ITC during this inspection? How did those compare to other inspections you've conducted over the years?
- 12) You were also concerned about emissions at Vopak nearby. From a strategic and technical perspective, how did you discern emissions from one facility or another during this inspection? What kind of challenges did that present to you?

Post-investigation questions:

- 1) Generally speaking, what can trigger this type of inspection? And what triggered this inspection in particular?
- 2) What was the chain of command at Region 6 for pursuing an inspection like this? Who specifically was supposed to be notified about your findings? And were those procedures followed in this case?
- 3) What was your process for finalizing and dispersing this inspection report?
- 4) What points of clarification were raised by your counterparts at Region 6 in regards to this report?
- 5) To your knowledge, was the report or information about this inspection shared with the TCEQ?
- 6) Were you in contact with the TCEQ before, during, or after this inspection? And if so, with who?
- 7) When did you transfer from Region 6 to Headquarters? Who at Region 6 was assigned to this case for enforcement when you left? Did you have any input in that decision?
- 8) What communications were made to the new enforcement office and to management regarding the direction of the enforcement case?
- 9) You didn't take the ITC Deer Park case for enforcement when you transferred — but you did take Vopak. Why did you make this decision? What factored into it?
- 10) What penalties, fines and enforcement actions were assessed to Vopak for that case?
- 11) Had you stayed at Region 6, would you have kept the ITC Deer Park case? And if so, what enforcement/ injunctive relief would you have sought against the facility?
- 12) Are you aware of any discussions within Region 6 regarding enforcement against ITC Deer Park following your inspection?
- 13) Following your inspection, Region 6 prepared a CAA 114 form to send to ITC. The form was to be sent from John Blevins. There are a number of tank malformations and physical problems noted

within it — many of which pertain to the tanks you identified in your inspection. Did you review this 114? And did ITC ever receive it?

- 14) Shortly after your inspection, in April/May 2013, NEIC was called in to conduct an on-site “benzene screen” of the ITC Deer Park facility. What was the purpose of this NEIC visit in relation to your inspection? What is a “benzene screen”? Who from Region 6 requested it?
- 15) Did Region 6 or NEIC conduct other inspections of the ITC Deer Park facility following your inspection?
- 16) From what my research shows, Region 6 did not finance your inspection of the ITC Deer Park facility. Instead, it was paid for by Headquarters. Is that correct?
- 17) From what my team’s research shows, Region 6 did not take formal enforcement action against ITC following this inspection. Were you aware of that? And were you surprised by that?
- 18) Counting your inspection, Region 6 and NEIC visited ITC Deer Park at least three times between 2012-2017. Is this a frequent occurrence — using resources to visit/monitor/inspect at the same facility multiple times in such a short timeframe?
- 19) Given the high benzene readings that first spurred your inspection and the concerning levels of emissions you identified during your inspection, why was no enforcement ever taken against ITC?
- 20) Was a letter sent to ITC to close out the inspection report?

Closing questions:

- 1) What was your reaction to seeing the ITC fire in 2019?
- 2) The cluster of tanks that caught fire in 2019 were in the area you appeared to be most concerned with in your inspection report. In fact, several of the tanks you pinpointed in your “Areas of Concern” caught fire and burned down. Are you concerned that the technical and maintenance issues you observed — and the emissions they resulted in — could have contributed to the fire’s outbreak and spread?
- 3) Are the answers you’re providing coming strictly from you, or are they being reviewed and edited by other NEIC/EPA employees?